



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:yrj
Docket No: 1309-02
6 August 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 August 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NSSC memorandum 4050 Ser 53F/80 of 1 July 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVAL SUPPLY SYSTEMS COMMAND
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TELEPHONE NUMBER
COMMERCIAL
AUTOVON
IN REPLY REFER TO:
4050
Ser 53F/80
JUL - 1 2002

From: Commander, Naval Supply Systems Command
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION IN THE CASE OF
[REDACTED]

Ref: (a) BCNR memo PAY: GLA of 13 June 02

Encl: (1) [REDACTED] BCNR file

1. In response to reference (a), we have reviewed enclosure (1). Enclosure (1) is returned.

2. Our review concluded that the Transportation Management Officer (TMO), Marine Corps Air Station, Beaufort, S.C. spoke to the member in March of 01. The member was advised during that conversation with the TMO that the handwritten date on the DD Form 1164 (Service Order for Personal Property) was wrong. He was advised that based on his separation orders his entitlement to non-temporary storage would expire soon.

3. In accordance with the JFTR (U5360-B.1), the member was authorized non-temporary under his separation orders until May 01. The Petty Officer is responsible for reimbursing the Government for all storage costs beyond 16 May 01. From 16 May 01 through 15 Jul 02 the member owes the Government \$162.40 in storage fees.

4. Since the [REDACTED]'s shipment is still under Government "control" he has a shipping entitlement to Anderson, S.C.

5. Our opinion is that the Petty Officer was aware that his entitlement under separation orders expired in May 01 and therefore he is responsible for storage costs as stated above. DT3 [REDACTED] is still entitled to shipment to Anderson, S.C.

[REDACTED]

JUL 17 2002